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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,274	07/17/2003	Michelle Klippen	14377.1US01	4206
36790	7590	10/12/2006	EXAMINER	
TILLMAN WRIGHT, PLLC PO BOX 471581 CHARLOTTE, NC 28247			LOPEZ, MICHELLE	
			ART UNIT	PAPER NUMBER

3721

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/622,274	<b>Applicant(s)</b> KLIPPEN ET AL.	
	<b>Examiner</b> Michelle Lopez	<b>Art Unit</b> 3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23,25-29,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23,25-29,31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

This action is in response to the amendment filed on 8/24/06.

Claims 24, 30, and 33-35 have been canceled.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 is indefinite, since it is unclear whether the separate flat panels are fed from two different sources.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 25, 27, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell US Application No. 2005/0155328 in view of Bercaits et al 6,370,843.

Snell discloses a method of compressing and packaging a single unused disposable diaper comprising the steps of compressing a single unused diaper to reduce a size of the diaper, whereby the diaper exits in a compressed state; locating the single diaper while in the compressed state within a package; drawing a vacuum such that portions of the package will collapse toward and compress the diaper; and sealing the package to maintain the vacuum within an interior of the package.

Snell does not disclose wherein the package comprises a heat shrinkable material, and the step of heating the package to shrink wrap the heat shrinkable material about the diaper. However, Bercaits teaches the concept of a method for packaging an article comprising the steps of locating an article within a package of a heat shrinkable material, compressing the package, vacuum the package, and heating the package to shrink wrap the heat shrinkable material about the article for the purpose of compressing and reducing the package size. It would have been obvious to one having ordinary skill in the art to have provide Snell package as a heat shrinkable material as taught by Bercaits in order to heat shrink the package after vacuum the interior of the package to compress and reduce the size of the package.

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With respect to claim 25, Bercaits also shows wherein the step of heating the package is performed before sealing the package as shown in col. 6; lines 3-8.

With respect to claim 27, Bercaits also shows wherein the step of sealing the package is performed during performance of heating the package as shown in col. 6; 3-8.

With respect to claims 31, Snell as modified by Bercaits does not specifically disclose drawing a vacuum at a specific pressure, i.e. at a pressure about 350 millibars. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the step of drawing a vacuum at a specific range of pressure, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

With respect to claim 32, Snell as modified Bercaits discloses the process step of compressing an article to be packaged at a desired reduced volume, but does not specifically disclose wherein the volume of the article is reduced by the method by about 30% to 70%. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have reduce an article to a specific reduced volume, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snell US Application No. 2005/0155328 in view of Bercaits 6,370,843, and further in view of Yamamoto 3,643,308.

Snell as modified by Bercaits discloses the invention substantially as claimed, but does not disclose wherein the process step of sealing the package is performed prior the step of

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heating the package. However, Yamamoto teaches a process step of sealing a package prior to the step of heating the package as shown in Figs. 1-2 for the purpose of compressing an article within a heat-shrink wrap. It would have been obvious to one having ordinary skill in the art to have reverse the sequence of steps of Snell as modified by Bercaits as taught by Yamamoto by sealing the package prior to the step of heating the package in order to compress an article within a heat-shrink wrap.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell US Application No. 2005/0155328 in view of Bercaits 6,370,843, and further in view of Esteves 5,590,509.

Snell as modified by Bercaits discloses the invention substantially as claimed except that the package is formed from a tubular sheet of material having an endless wall with two separate panels as broadly interpreted. However, Esteves teaches the concept of forming a package from a tubular sheet of material having an endless wall with two separate panels 2 for the purpose of continuously packaging an article. It would have been obvious to one having ordinary skill in the art to have provided Snell's invention as modified by Bercaits, and further having a package being formed as taught by Esteves in order to continuously packaging an article.

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML

  
JOHN SIROS  
PRIMARY EXAMINER